

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 21, 27, and 31. Applicant respectfully submits no new matter has been added. Accordingly, claims 21, 24-27, 31-33, and 35-36 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 103 (a)

Claims 21, 24-27, 31-33, and 35-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sorber, *et al.* (US 2003/0157925 A1) in view of Fleischer III, *et al.* (US 2002/0136376 A1). The Applicant respectfully traverses the Examiner's rejections and submits the following remarks for the Examiner's favorable reconsideration. The Applicant has further amended independent claims 21, 27, and 31 to more clearly and distinctly claim the subject matter which the Applicant considers as his invention.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations (MPEP 2143).** In that regard, the Applicant respectfully submits that the Examiner's two references still fail to teach or suggest each and every element of the presently pending independent claims.

Additionally, independent claims 21, 27, and 31 have been amended and now recites that the service provider, content provider or value added service provider and the operator maintain and control separate domains. Support for these amendments is found on page 7, lines 12-23 of the Applicant's specification. The present invention provides a distributed rating system which enables the operator and the provider to respectively control their own domain. Since the operator and provider respectively

own, store and control their own data, data is protected from access by the providers and vice versa.

The Examiner stated that Sorber teaches sending a rating request to a distributed rating means for distributed rating based on distributed rating data related to the provider. The Applicant respectfully disagrees with this characterization. The Examiner equates the billing system 113 of Sober with the distributed rating means. However, the billing system is not distributed, but rather a centralized entity. Sober merely discloses a billing system utilized in existing billing systems as discussed in the Applicant's specification (see page 2, lines 10-18 of the Applicant's specification). Thus, in Sober, the provider is operating within full insight of the operator. In contrast to Sober, the Applicant's invention provides a distributed rating means wherein the provider and the operator maintain and control separate domains, thereby protecting confidentiality of data between the provider and the operator.

The Examiner also stated that Fleisher teaches a content provider rating request is sent from a central rating means operator by the network operator. The Applicant respectfully disagrees with this characterization. Fleisher does disclose independent local providers but does not teach or suggest using these providers in a distributing rating system where the provider and operator maintain and control separate domains or the step of sending a rating request, including the accessed data, to a distributed rating means for distributed rating based on distributed rating data related to the service or subscriber.

Thus, the combination of Sorber and Fleisher fails to teach or suggest sending a rating request, including the accessed data, to a distributed rating means for distributed rating based on distributed rating data related to the service or subscriber or that the provider and the operator maintain and control separate domains, thereby protecting confidentiality of data between the provider and the operator. Therefore, Sorber and Fleisher do not teach or suggest the Applicant's invention as recited in claim 21. Claims 27 and 31 contain limitations analogous to claim 21 and are also not taught or suggested by the combination of Sorber and Fleisher. Claims 24-26 depend from amended claim 21 and recite further limitations in combination with the novel elements

of claim 21. Claims 32, 33, 35, and 36 depend from amended claim 31 and recite further limitations in combination with the novel elements of claim 31. Therefore, the allowance of claims 21, 24-27, 31-33, and 35-36 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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